

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBBIE GOODBAR,  
  
Petitioner,  
  
v.  
  
STATE OF CALIFORNIA,  
  
Respondents.

No. 2:22-cv-0859 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In this action, petitioner appears to challenge conditions of confinement. In particular, petitioner challenges an alleged secret euthanasia program that coerces inmates to overdose on suboxone.

As a general rule, a claim that challenges the fact or duration of a prisoner's confinement should be addressed by filing a habeas corpus petition under 28 U.S.C. § 2254, while a claim that challenges the conditions of confinement should be addressed by filing a civil rights action under 42 U.S.C. § 1983. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973); Ramirez v. Galaza, 334 F.3d 850, 858-859 (9th Cir. 2003), cert. denied, 541 U.S. 1063 (2004). Because petitioner appears to challenge conditions of confinement, this action is construed as a civil rights action. Accordingly, the petition is dismissed with thirty days to file a complaint.

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1 In addition, petitioner has not filed an in forma pauperis affidavit or paid the required  
2 filing fee of \$350.00 plus the \$52.00 administrative fee. See 28 U.S.C. §§ 1914(a), 1915(a).  
3 Petitioner is provided the opportunity either to submit the appropriate affidavit in support of a  
4 request to proceed in forma pauperis or to submit the required fees totaling \$402.00.

5 Petitioner is cautioned that the in forma pauperis application form includes a section that  
6 must be completed by a prison official, and the form must be accompanied by a certified copy of  
7 petitioner's prison trust account statement for the six-month period immediately preceding the  
8 filing of this action.

9 In accordance with the above, IT IS HEREBY ORDERED that:

- 10 1. This action is construed as a civil rights action pursuant to 42 U.S.C. § 1983; the  
11 petition is dismissed with thirty days to file a civil rights complaint; petitioner's failure  
12 to comply with this order will result in a recommendation of dismissal of this action;  
13 2. Petitioner shall submit, within thirty days from the date of this order, an affidavit in  
14 support of his request to proceed in forma pauperis on the form provided by the Clerk  
15 of Court, or the required fees in the amount of \$402.00; petitioner's failure to comply  
16 with this order will result in a recommendation of dismissal of this action; and  
17 3. The Clerk of the Court is directed to send petitioner a new Application to Proceed In  
18 Forma Pauperis By a Prisoner and a complaint for a civil rights action pursuant to 42  
19 U.S.C. § 1983.

20 Dated: June 14, 2022

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22 KENDALL J. NEWMAN  
23 UNITED STATES MAGISTRATE JUDGE  
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